



# Indiana Department of Education

SUPPORTING STUDENT SUCCESS

Room 229 State House  
Indianapolis, Indiana 46204-2798  
317/232-6622

## MEMORANDUM

TO: State Board of Education

FROM: Jeff Zaring

DATE: August 24, 2007

SUBJECT: Assessment and Accountability

Staff will provide an assessment update at the Board meeting.

Board members have discussed accountability requirements with a focus on consequences and technical assistance provided to schools. The consequences established by P.L.221-1999 are:

### **IC 20-31-9-3**

#### **School remaining in lowest category or designation the third year after initial placement**

Sec. 3. (a) This section applies if, in the third year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation.

(b) The state board shall establish and assign an expert team to the school. The expert team:

(1) must include representatives from the community or region that the school serves; and

(2) may include:

(A) school superintendents, members of governing bodies, and teachers from school corporations that are in high categories or designations; and

(B) special consultants or advisers.

(c) The expert team shall:

(1) assist the school in revising the school's plan; and

(2) recommend changes in the school that will promote improvement, including

the reallocation of resources or requests for technical assistance.

#### **IC 20-31-9-4**

##### **School remaining in lowest category or designation the fifth year after initial placement**

Sec. 4. (a) This section applies if, in the fifth year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation.

(b) The state board shall do the following:

(1) Hold at least one (1) public hearing in the school corporation where the school is located to consider and hear testimony concerning the following options for school improvement:

(A) Merging the school with a nearby school that is in a higher category.

(B) Assigning a special management team to operate all or part of the school.

(C) The department's recommendations for improving the school.

(D) Other options for school improvement expressed at the public hearing, including closing the school.

(E) Revising the school's plan in any of the following areas:

(i) Changes in school procedures or operations.

(ii) Professional development.

(iii) Intervention for individual teachers or administrators.

(2) If the state board determines that intervention will improve the school, implement at least one (1) of the options listed in subdivision (1).

When a school is placed in the Academic Probation category for the fourth consecutive time, the assistance describe in IC 20-31-9-3 is provided. When a school is placed in the Academic Probation category for the sixth consecutive time, the intervention described in IC 20-31-9-3 is available.

Board members have asked about the possibility of allowing a school to request State Board approval of a plan of corrective action: (1) for specific students who have failed to pass ISTEP; and (2) which includes waivers of any Board regulation. State law and State Board rules permit such an action. In fact, waivers of statutes also are permitted.

The earliest provision allowing waivers of State Board rules was the Nonstandard Curriculum Program approval process created under [511 IAC 6-8](#) in 1984<sup>1</sup>. The rule defines “nonstandard curriculum programs” as curriculum programs that differ from those authorized by the rules of the board in ways including, but not limited to, content, organization, methods, staffing, course title, instructional materials, or criteria for course or program completion.

Originally this waiver process was handled through a separate application. Later the State Board of Education decided that it was best to view creation of “nonstandard” programs as

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<sup>1</sup>This was the first process of general applicability. An earlier, and very similar, process was available to gifted and talented education programs.

an integral part of the school improvement process, and schools were encouraged to include a description of nonstandard programs in their school improvement plans. This opportunity continues, with most waivers granted to allow licensed teachers to teach out of their licensing area, most typically for alternative education or remediation programs. For purposes of efficiency, the State Board granted approval authority to the Department with appeal to the Board in cases where the Department does not believe it can grant the requested waiver.

Public Law 221-1999 expanded waiver opportunities through the following provisions:

**IC 20-31-5-5**

**Waiver of applicability**

Sec. 5. (a) A [school improvement] plan may include a request for a waiver of applicability of a rule or statute to a school.

(b) The governing body may waive any rule adopted by the state board for which a waiver is requested in a plan, except for a rule that is characterized as follows:

- (1) The rule relates to the health or safety of students or school personnel.
- (2) The rule is a special education rule under 511 IAC 7.
- (3) Suspension of the rule brings the school into noncompliance with federal statutes or regulations.
- (4) The rule concerns curriculum or textbooks.

(c) Upon request of the governing body and under a plan, the state board may waive for a school or a school corporation any statute or rule relating to the following:

- (1) Curriculum.
- (2) Textbook selection.

Since the textbook adoption process already includes waiver opportunities, there was no expansion of opportunities in this area. The opportunity to waive statute does provide a potential opportunity. To date, this provision has been used as a continuation of the previous nonstandard program approval process. At least one school corporation additionally has taken advantage of the opportunity to increase English and math instruction and decrease or eliminate practical arts at the middle school level. Other corporations use the process to waive instructional time requirements for high school students retaking courses and using “non-traditional” instructional methods. Other corporations use the flexibility to present curriculum areas at alternate grade levels, e.g. fine arts at one grade level and practical arts at the next.

Other corporations have talked about more significant curriculum modifications. An example is attached.